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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lalli et al.)	Group Art Unit: 3723
Serial No.: 10/666,890)	Examiner: Dung V Nguyen
Filed: 09/18/03)	
For: Disc Repair System)	Att'y Docket No.: P03950

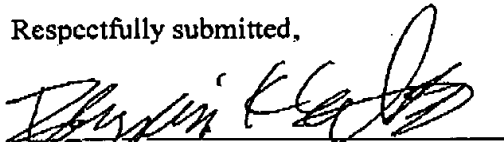
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

The Examiner's remarks of the Office Action mailed 08/18/2004 have been carefully considered and, responsive thereto, Applicant respectfully submits the following: Applicant, by the undersigned Agent of record, hereby disclaims the terminal part of the statutory term of any patent granted on the above-identified application, as set forth in the attached form PTO/SB/26 titled "TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT" dated 11/18/2004. Please deduct the terminal disclaimer fee as set forth in 37 CFR 1.20(d) from our deposit account NO. 50-1887 (which should be \$55.00 since Applicant is a small entity). If there are any other fees incurred, please also deduct them from our Deposit Account NO. 50-1887.

Respectfully submitted,

Date: November 18, 2004

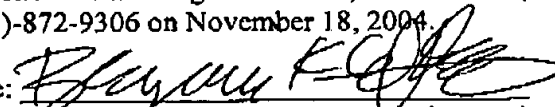

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to the Patent and Trademark Office fax number (703)-872-9306 on November 18, 2004.

Date 11/18/04

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BENJAMIN K. ERLICK, Agent for Appl.

PTO/SB/28 (09-04)

Approved for use through 07/31/2006, OMB 0881-0031

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
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Docket Number (Optional)

P03950

In re Application of: Edward A. Lalli, et al.

Application No.: 10/586,890

Filed: September 18, 2003

For: "DISC REPAIR SYSTEM"

The owner, Edward A. Lalli, et al., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,638,149 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

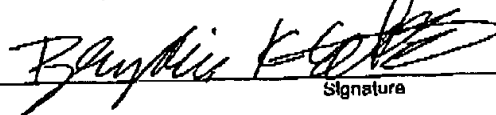
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 51,456



Signature

November 18, 2004

Date

Benjamin K. Erick

Typed or printed name

602-283-9200

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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